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8 Attorneys for Defendant KLA-Tencor Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 CHRIS CRIMI, on Behalf of Himself and All Others  
Similarly Situated,

12 Plaintiff,

VS.

EDWARD W. BARNHOLT, H. RAYMOND  
BINGHAM, ROBERT T. BOND, RICHARD J.  
ELKUS, JR., STEPHEN P. KAUFMAN, KENNETH  
LEVY, MICHAEL E. MARKS, DEAN O. MORTON,  
KENNETH L. SCHROEDER, JON D. TOMPKINS,  
RICHARD P. WALLACE, KLA-TENCOR  
CORPORATION, and DOES 1 through 25,

## Defendants.

Case No. CV-08-2249 CRB

**DECLARATION OF  
MATTHEW S. WEILER IN  
SUPPORT OF JOINT  
STIPULATION TO  
CONTINUE HEARING  
DATE**

DATE: July 18, 2008  
TIME: 10:00 A.M.  
DEP'T: Courtroom 8

Hon. Charles R. Breyer

**DECLARATION OF MATTHEW S. WEILER**

I, Matthew S. Weiler, declare as follows:

1. I am an attorney at law, licensed to practice before the courts of the State of California and before this Court. I am an associate of the law firm Morgan, Lewis & Bockius LLP, attorneys of record for Defendant KLA-Tencor Corporation (“KLA”). Pursuant to N.D. Local Rule 6-3(a), I make this declaration in support of the joint stipulation to continue the hearing date currently set for July 18, 2008 to July 25, 2008. The facts set forth in this declaration are true of my own personal knowledge, and if called I could and would testify competently thereto.

2. On April 30, 2008 KLA removed this action from the Superior Court of the State of California for the County of Santa Clara.

3. On May 7, 2008, KLA filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

4. Plaintiff informed KLA that he intended to file a motion to remand and requested that KLA agree to have its motion to dismiss heard on the same day as Plaintiff's motion to remand.

5. KLA agreed to have both motions heard at the same time and the parties filed a stipulation that was entered as an order by the Court setting a briefing schedule and a hearing date of July 18, 2008 for both motions.

6. KLA's opposition to Plaintiff's motion to remand is currently due on June 26, 2008; Plaintiff's reply memorandum in further support of his motion to remand is due July 3, 2008; KLA's reply memorandum in further support of its motion to dismiss is due on July 3, 2008.

7. A scheduling conflict arose for counsel for KLA and Plaintiff agreed to continue the two hearings until July 25, 2008 to accommodate counsel for KLA. Specifically, lead trial counsel for KLA is unavailable on the date for which the hearing is currently scheduled, and KLA would be substantially harmed if its lead trial counsel were unable to attend the hearing.

1           6.     The parties have previously stipulated to have the hearing on the motions on  
2 July 18, 2008.

4 I declare under penalty of perjury under the laws of the United States of America that the  
5 foregoing is true and correct and based on my personal knowledge, and that this declaration was  
6 executed on June 25, 2008, in San Francisco, California.

By \_\_\_\_\_ /s/  
Matthew S. Weiler